

2009 DRAFTING REQUEST

Bill

Received: **01/14/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Dombrowski**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Dombrowski, BB0390 -

Topic:

Weatherization funding requirements

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	mkunkel 01/15/2009	jdyer 01/16/2009	mduchek 01/16/2009	_____	mbarman 01/16/2009		State
/P2	mkunkel 01/29/2009	jdyer 01/29/2009	jfrantze 01/29/2009	_____	sbasford 01/29/2009		

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/?		<i>P2 1/28 jld</i>					State
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FE Sent For:

1/29 *1/29*
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/?	mkunkel	PI 1/16 jld	WD	WD P14			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Weatherization requirements
- Tracking Code: BB0390
- SBO team: GGED
- SBO analyst: Cindy Dombrowski 
 - Phone: 266-5878
 - Email: cynthia.dombrowski@wisconsin.gov
- Agency acronym: DOA
- Agency number: 505
- Priority (Low, Medium, High): High

Intent:

Under current law, 47% of revenues received from the Utility Public Benefits fund for low-income heating assistance must be expended on weatherization projects.

1. Delete the percentage and insert "is not less \$68,000,000".
2. Require that in each fiscal year, the department calculate a cost of living adjustment for the \$68 million.
3. Under s.16.27, the department must transfer 15% of LIHEAP block grant revenues to the weatherization program. Change the "must" to "may" to give the department flexibility in which funds are expended on weatherization.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1517/P1

MDK:.....

1-15-09

Jld

DOA:.....Dombrowski, BB0390 - Weatherization funding requirements
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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1

AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

OTHER STATE GOVERNMENT ✓

Under current law, DOA administers federally funded programs for providing weatherization and energy assistance to low-income households. Current law requires DOA to transfer in each fiscal year 15% of the federal funding for the energy-assistance program to the weatherization program. This bill allows, but does not require, DOA to make the transfer. *

Also under current law, DOA administers a program for making grants from the utility public benefits fund (UPBF) to provide assistance to low-income households for weatherization and other energy conservation services, payment of energy bills, and early identification or prevention of energy crises. In each fiscal year, DOA must ensure that the amount made in grants for weatherization and other energy conservation services is equal to 47% of the sum of the following: 1) the amounts received under the federally funded weatherization and energy-assistance programs mentioned above; 2) the amount spent by certain electric and natural gas utilities on assistance to low-income households; 3) the amount spent on all programs funded by the UPBF; and 4) the amount of monthly low-income assistance fees that certain municipal electric utilities and electric retail cooperatives are required to collect from their customers and members. *

Instead of requiring DOA to ensure that 47% of the foregoing sum is spent in a fiscal year on grants for weatherization and other energy conservation services, *

this bill requires DOA to ensure that at least \$68,000,000 is spent in a fiscal year on such grants. In addition, beginning in fiscal year 2010-11, DOA must increase the amount spent on such grants to reflect the cost-of-living increase that occurred during the previous fiscal year.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.27 (3) (intro.), (b), (c), (d) and (e) (intro.) of the statutes are renumbered 16.27 (3) (am) (intro.), 2., 3., 4. and 5. (intro.).

SECTION 2. 16.27 (3) (e) 1. of the statutes is renumbered 16.27 (3) (bm) and amended to read:

16.27 (3) (bm) Subject to s. 16.54 (2), the department may, within the limits of the availability of federal funds received under 42 USC 8621 to 8629, Allocate allocate and transfer from the appropriation under s. 20.505 (1) (mb) to the appropriation under s. 20.505 (1) (kn), 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year under the priority of maintaining funding for the geographical areas on July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for the weatherization assistance program administered by the department under s. 16.26.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

SECTION 3. 16.27 (3) (e) 3., 6. and 7. of the statutes are renumbered 16.27 (3) (am) 5. c., 5. f. and 5. g. and 16.27 (3) (am) 5. c., as renumbered, is amended to read:

16.27 (3) (am) 5. c. Except as provided under subd. 5. f., allocate the balance of funds received under 42 USC 8621 to 8629 in a federal fiscal year, after making the allocations under par. (c) and (d) and subd. 1. (am) 3. and 4. and (bm), for the payment of heating assistance or for the payment of crisis assistance under sub. (6).

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

SECTION 4. 16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2) (a) and amended to read:

16.957 (2) (a) *Low-income programs.* After holding a hearing, establish programs to be administered by the department for awarding grants from the appropriation under s. 20.505 (3) (r) to provide low-income assistance. In each fiscal year, the amount awarded under this paragraph shall be sufficient to ensure that an amount equal to 47% of the sum of the following not less than \$68,000,000, or the amount determined under par. (d) 2m., is spent for weatherization and other energy conservation services:.

History: 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

SECTION 5. 16.957 (2) (a) 1. to 4. of the statutes are repealed.

SECTION 6. 16.957 (2) (d) 2m. of the statutes is created to read:

16.957 (2) (d) 2m. Beginning in fiscal year 2010-11, increase the amount required to be spent on weatherization and other energy conservation services under par. (a) to reflect the increase in the cost of living, as determined by the department, that occurred during the previous fiscal year.

(END)

Kunkel, Mark

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Thursday, January 29, 2009 9:26 AM
To: Kunkel, Mark
Subject: RE: Economic stimulus language for 09-0951

Reverts to current law.

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Thursday, January 29, 2009 9:26 AM
To: Dombrowski, Cynthia A - DOA
Subject: RE: Economic stimulus language for 09-0951

What happens on the sunset date? Do you revert to current law, or should there be no requirement to spend a specified amount on weatherization and other conservation services?

From: Dombrowski, Cynthia A - DOA [mailto:cynthia.dombrowski@wisconsin.gov]
Sent: Wednesday, January 28, 2009 5:15 PM
To: Kunkel, Mark
Subject: RE: Economic stimulus language for 09-0951

I think this sounds good, Mark. Please move forward with this.

Also, the weatherization draft, can you change the \$65,000,000 to \$75,000,000 and add that this provision sunsets on June 30, 2012?

Thanks!!
Cindy

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]
Sent: Wednesday, January 28, 2009 1:44 PM
To: Dombrowski, Cynthia A - DOA
Subject: Economic stimulus language for 09-0951

Cindy:

We can take the approach you suggested earlier today. I can draft a nonstat that does the following:

-- Define "federal economic stimulus funds" to mean federal moneys received by the state, pursuant to federal legislation enacted during the 111th Congress for the purpose of reviving the economy of the United States. (We've been using this definition in other budget drafts.)

-- Require that, in determining the amount of the low-income assistance fee for fiscal years 2009-10 and 2010-11, subtract from the sum of the amounts specified in s. 16.957 (4) (c) 1. a. to c. for the relevant fiscal year the portion of the amount specified in s. 16.957 (4) (c) 1. b. that is attributable to, as determined by the secretary of administration, federal economic stimulus funds received in that fiscal year.

-- Require DOA to promulgate emergency rules that implement the above requirement. (I think you need rules because the fee is established in rules.)

I haven't figured out the exact language yet. Let me know whether you think the above is okay.

Mark D. Kunkel

Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1517/P1 P2
MDK:jld:md

1-29-09

DOA:.....Dombrowski, BB0390 - Weatherization funding requirements
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

* Under current law, DOA administers federally funded programs for providing weatherization and energy assistance to low-income households. Current law requires DOA to transfer in each fiscal year 15 percent of the federal funding for the energy assistance program to the weatherization program. This bill allows, but does not require, DOA to make the transfer.

Also under current law, DOA administers a program for making grants from the utility public benefits fund (UPBF) to provide assistance to low-income households for weatherization and other energy conservation services, payment of energy bills, and early identification or prevention of energy crises. In each fiscal year, DOA must ensure that the amount made in grants for weatherization and other energy conservation services is equal to 47 percent of the sum of the following: 1) the amounts received under the federally funded weatherization and energy-assistance programs mentioned above; 2) the amount spent by certain electric and natural gas utilities on assistance to low-income households; 3) the amount spent on all programs funded by the UPBF; and 4) the amount of monthly low-income assistance fees that certain municipal electric utilities and electric retail cooperatives are required to collect from their customers and members.

Instead of requiring DOA to ensure that 47 percent of the foregoing sum is spent in a fiscal year on grants for weatherization and other energy conservation services,

fiscal years 2009-10 to 2011-12 ✓

this bill requires DOA to ensure that at least \$68,000,000 is spent in a fiscal year on such grants. In addition, ~~beginning~~ in fiscal year 2010-11, DOA must increase the amount spent on such grants to reflect the cost-of-living increase that occurred during the previous fiscal year. *and 2011-12*

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.27 (3) (intro.), (b), (c), (d) and (e) (intro.) of the statutes are
 2 renumbered 16.27 (3) (am) (intro.), 2., 3., 4. and 5. (intro.).

3 **SECTION 2.** 16.27 (3) (e) 1. of the statutes is renumbered 16.27 (3) (bm) and
 4 amended to read:

5 16.27 (3) (bm) Allocate Subject to s. 16.54 (2), the department may, within the
 6 limits of the availability of federal funds received under 42 USC 8621 to 8629,
 7 allocate and transfer from the appropriation under s. 20.505 (1) (mb) to the
 8 appropriation under s. 20.505 (1) (kn), 15% of the moneys received under 42 USC
 9 8621 to 8629 in each federal fiscal year under the priority of maintaining funding for
 10 the geographical areas on July 20, 1985, and, if funding is reduced, prorating
 11 contracted levels of payment, for the weatherization assistance program
 12 administered by the department under s. 16.26.

13 **SECTION 3.** 16.27 (3) (e) 3., 6. and 7. of the statutes are renumbered 16.27 (3)
 14 (am) 5. c., f. and g., and 16.27 (3) (am) 5. c., as renumbered, is amended to read:

15 16.27 (3) (am) 5. c. Except as provided under subd. 6. 5. f., allocate the balance
 16 of funds received under 42 USC 8621 to 8629 in a federal fiscal year, after making
 17 the allocations under ~~pars. (e) and (d) and subd. 1.~~ subds. 3. and 4. and par. (bm), for
 18 the payment of heating assistance or for the payment of crisis assistance under sub.
 19 (6).

INSERT 3-9 ✓

75 ✓

1 SECTION 4. 16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2) (a)
2 and amended to read:

3 16.957 (2) (a) *Low-income programs.* After holding a hearing, establish
4 programs to be administered by the department for awarding grants from the
5 appropriation under s. 20.505 (3) (r) to provide low-income assistance. In each fiscal
6 year, the amount awarded under this paragraph shall be sufficient to ensure that an
7 amount equal to 47% of the sum of the following not less than \$68,000,000, or the
8 amount determined under par. (d) 2m., is spent for weatherization and other energy
9 conservation services.

10 SECTION 5. 16.957 (2) (a) 1. to 4. of the statutes are repealed.

11 SECTION 6. 16.957 (2) (d) 2m. of the statutes is created to read: *and 2011-12* ✓

12 16.957 (2) (d) 2m. ~~Beginning~~ *and* in fiscal year [§] 2010-11, increase the amount
13 required to be spent on weatherization and other energy conservation services under
14 par. (a) to reflect the increase in the cost of living, as determined by the department,
15 that occurred during the previous fiscal year.

16 (END) ✓

INSERT 3-15 ✓

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1517/P2ins
MDK:.....

INSERT 2A:

NO Beginning in fiscal year 2012-13, DOA must ensure that 47 percent of the foregoing sum is spent on such grants, as is required under current law.

INSERT 3-9:

SECTION 1. 16.957 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
(this act), is repealed and recreated to read:

current law 16.957 (2) (a) *Low-income programs.* After holding a hearing, establish programs to be administered by the department for awarding grants from the appropriation under s. 20.505 (3) (r) to provide low-income assistance. In each fiscal year, the amount awarded under this paragraph shall be sufficient to ensure that an amount equal to 47% of the sum of the following is spent for weatherization and other energy conservation services:

1. All moneys received from the federal government under 42 USC 6861 to 6873 and 42 USC 8621 to 8629 in a fiscal year.

2. All moneys spent in a fiscal year for low-income programs established under s. 196.374, 2003 stats.

3. All moneys spent in a fiscal year on programs established under this paragraph.

4. The moneys collected in low-income assistance fees under sub. (5) (a).

INSERT 3-15:

SECTION 2. 16.957 (2) (d) 2m. of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 9401. Effective dates; Administration.

↓

1

(1) LOW-INCOME ENERGY ASSISTANCE. The repeal and recreation section 16.957

2

(2) (a) ~~of sections~~ ^{STET} ~~and the repeal of section 16.957 (2) (d) 2m. of the statutes take effect~~ ^{of}

3

on June 30, 2012.

(end ins 3-15)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1517/P2

MDK:jld:jf

DOA:.....Dombrowski, BB0390 - Weatherization funding requirements
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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Instead of requiring DOA to ensure that 47 percent of the foregoing sum is spent in fiscal years 2009-10 to 2011-12 on grants for weatherization and other energy

conservation services, this bill requires DOA to ensure that at least \$75,000,000 is spent in a fiscal year on such grants. In addition, in fiscal years 2010-11 and 2011-12, DOA must increase the amount spent on such grants to reflect the cost-of-living increase that occurred during the previous fiscal year. Beginning in fiscal year 2012-13, DOA must ensure that 47 percent of the foregoing sum is spent on such grants, as is required under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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6 limits of the availability of federal funds received under 42 USC 8621 to 8629,
7 allocate and transfer from the appropriation under s. 20.505 (1) (mb) to the
8 appropriation under s. 20.505 (1) (kn), 15% of the moneys received under 42 USC
9 8621 to 8629 in each federal fiscal year under the priority of maintaining funding for
10 the geographical areas on July 20, 1985, and, if funding is reduced, prorating
11 contracted levels of payment, for the weatherization assistance program
12 administered by the department under s. 16.26.

13 **SECTION 3.** 16.27 (3) (e) 3., 6. and 7. of the statutes are renumbered 16.27 (3)
14 (am) 5. c., f. and g., and 16.27 (3) (am) 5. c., as renumbered, is amended to read:

15 16.27 (3) (am) 5. c. Except as provided under subd. 6. 5. f., allocate the balance
16 of funds received under 42 USC 8621 to 8629 in a federal fiscal year, after making
17 the allocations under ~~pars. (e) and (d) and subd. 1.~~ subds. 3. and 4. and par. (bm), for

1 the payment of heating assistance or for the payment of crisis assistance under sub.
2 (6).

3 **SECTION 4.** 16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2) (a)
4 and amended to read:

5 16.957 (2) (a) *Low-income programs.* After holding a hearing, establish
6 programs to be administered by the department for awarding grants from the
7 appropriation under s. 20.505 (3) (r) to provide low-income assistance. In each fiscal
8 year, the amount awarded under this paragraph shall be sufficient to ensure that an
9 amount equal to 47% of the sum of the following not less than \$75,000,000, or the
10 amount determined under par. (d) 2m., is spent for weatherization and other energy
11 conservation services.

12 **SECTION 5.** 16.957 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
13 (this act), is repealed and recreated to read:

14 16.957 (2) (a) *Low-income programs.* After holding a hearing, establish
15 programs to be administered by the department for awarding grants from the
16 appropriation under s. 20.505 (3) (r) to provide low-income assistance. In each fiscal
17 year, the amount awarded under this paragraph shall be sufficient to ensure that an
18 amount equal to 47% of the sum of the following is spent for weatherization and other
19 energy conservation services:

20 1. All moneys received from the federal government under 42 USC 6861 to 6873
21 and 42 USC 8621 to 8629 in a fiscal year.

22 2. All moneys spent in a fiscal year for low-income programs established under
23 s. 196.374, 2003 stats.

24 3. All moneys spent in a fiscal year on programs established under this
25 paragraph.

4. The moneys collected in low-income assistance fees under sub. (5) (a).

SECTION 6. 16.957 (2) (a) 1. to 4. of the statutes are repealed.

SECTION 7. 16.957 (2) (d) 2m. of the statutes is created to read:

16.957 **(2)** (d) 2m. In fiscal years 2010–11 and 2011–12, increase the amount required to be spent on weatherization and other energy conservation services under par. (a) to reflect the increase in the cost of living, as determined by the department, that occurred during the previous fiscal year.

SECTION 8. 16.957 (2) (d) 2m. of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 9401. Effective dates; Administration.

(1) **LOW-INCOME ENERGY ASSISTANCE.** The repeal and recreation of section 16.957 (2) (a) of the statutes and the repeal of section 16.957 (2) (d) 2m. of the statutes take effect on June 30, 2012.

(END)